

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CARINA DACER, et al.,

No. C 10-04165 WHA

Plaintiffs,

v.

**ORDER SETTING CASE  
MANAGEMENT CONFERENCE  
AND VACATING TRIAL DATE**

JOSEPH ESTRADA, et al.,

Defendants.

A September 2011 case management order scheduled a final pretrial conference for January 14, 2013, and jury trial in this matter for January 28, 2013 (Dkt. No. 31). Plaintiffs (and defendants) failed to file a joint proposed pretrial order (due on January 7), and did not appear for the final pretrial conference. This is not the first time plaintiffs have failed to appear for a hearing with the Court (*see* Dkt. Nos. 45, 47).

Plaintiffs now request to continue the January 28 jury trial for the following reasons: (1) because the trial and pretrial dates were not listed on the Court's online calendar, they had "an expectation that the trial date had been continued"; (2) plaintiffs have scheduled a deposition in this matter for February 28 (one month after the scheduled trial date and four months after the close of non-expert discovery); and, (3) plaintiffs' counsel made plans to travel back from a wedding in Philadelphia on the day scheduled for trial (Dkt. No. 62 at 1–3).

Although the Court's online schedule has not been updated to reflect the January 14

1 and January 28 pretrial conference and trial dates, that apparent contradiction should have been  
2 raised by counsel to clarify the schedule long ago. The January 28 jury trial is **VACATED**. The  
3 parties shall appear for a case management conference on **JANUARY 31 AT 11:00 A.M.** The Court  
4 will consider arguments for a continuance or other modifications of the prior case management  
5 order at that time.

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7 **IT IS SO ORDERED.**

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9 Dated: January 24, 2013.

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12 WILLIAM ALSUP  
13 UNITED STATES DISTRICT JUDGE  
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